

By: Nelson
(Capriglione, Zerwas, Phelan)

S.B. No. 532

Substitute the following for S.B. No. 532:

By: Capriglione

C.S.S.B. No. 532

A BILL TO BE ENTITLED

AN ACT

relating to information collected about and purchases of
information technology by governmental entities.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 552.139, Government Code, is amended by
amending Subsection (b) and adding Subsection (b-1) to read as
follows:

(b) Except as provided by Subsection (b-1), the ~~[The]~~
following information is confidential:

(1) a computer network vulnerability report;

(2) any other assessment of the extent to which data
processing operations, a computer, a computer program, network,
system, or system interface, or software of a governmental body or
of a contractor of a governmental body is vulnerable to
unauthorized access or harm, including an assessment of the extent
to which the governmental body's or contractor's electronically
stored information containing sensitive or critical information is
vulnerable to alteration, damage, erasure, or inappropriate use;
~~[and]~~

(3) a photocopy or other copy of an identification
badge issued to an official or employee of a governmental body; and

(4) information directly arising from a governmental
body's routine efforts to prevent, detect, or investigate a
computer security incident, including information contained in or

1 derived from an information security log.

2 (b-1) Subsection (b) does not apply to information related
3 to a breach of system security as defined by Section 521.053,
4 Business & Commerce Code.

5 SECTION 2. Subchapter C, Chapter 2054, Government Code, is
6 amended by adding Section 2054.068 to read as follows:

7 Sec. 2054.068. INFORMATION TECHNOLOGY INFRASTRUCTURE
8 REPORT. (a) In this section, "information technology" includes
9 information resources and information resources technologies.

10 (b) The department shall collect from each state agency
11 information on the status and condition of the agency's information
12 technology infrastructure, including information regarding:

- 13 (1) the agency's information security program;
14 (2) an inventory of the agency's servers, mainframes,
15 cloud services, and other information technology equipment;
16 (3) identification of vendors that operate and manage
17 the agency's information technology infrastructure; and
18 (4) any additional related information requested by
19 the department.

20 (c) A state agency shall provide the information required by
21 Subsection (b) to the department according to a schedule determined
22 by the department.

23 (d) Not later than November 15 of each even-numbered year,
24 the department shall submit to the governor, chair of the house
25 appropriations committee, chair of the senate finance committee,
26 speaker of the house of representatives, lieutenant governor, and
27 staff of the Legislative Budget Board a consolidated report of the

1 information submitted by state agencies under Subsection (b).

2 (e) The consolidated report required by Subsection (d)
3 must:

4 (1) include an analysis and assessment of each state
5 agency's security and operational risks; and

6 (2) for a state agency found to be at higher security
7 and operational risks, include a detailed analysis of, and an
8 estimate of the costs to implement, the:

9 (A) requirements for the agency to address the
10 risks and related vulnerabilities; and

11 (B) agency's efforts to address the risks through
12 the:

13 (i) modernization of information
14 technology systems;

15 (ii) use of cloud services; and

16 (iii) use of a statewide technology center
17 established by the department.

18 (f) With the exception of information that is confidential
19 under Chapter 552, including Section 552.139, or other state or
20 federal law, the consolidated report submitted under Subsection (d)
21 is public information and must be released or made available to the
22 public on request. A governmental body as defined by Section
23 552.003 may withhold information confidential under Chapter 552,
24 including Section 552.139, or other state or federal law that is
25 contained in a consolidated report released under this subsection
26 without the necessity of requesting a decision from the attorney
27 general under Subchapter G, Chapter 552.

1 (g) This section does not apply to an institution of higher
2 education or university system, as defined by Section 61.003,
3 Education Code.

4 SECTION 3. Section 2054.0965(a), Government Code, is
5 amended to read as follows:

6 (a) Not later than March 31 [~~December 1~~] of each
7 even-numbered [~~odd-numbered~~] year, a state agency shall complete a
8 review of the operational aspects of the agency's information
9 resources deployment following instructions developed by the
10 department.

11 SECTION 4. Section 2157.007, Government Code, is amended by
12 amending Subsection (b) and adding Subsection (e) to read as
13 follows:

14 (b) A state agency shall [~~may~~] consider cloud computing
15 service options, including any security benefits and cost savings
16 associated with purchasing those service options from a cloud
17 computing service provider and from a statewide technology center
18 established by the department, when making purchases for a major
19 information resources project under Section 2054.118.

20 (e) Not later than November 15 of each even-numbered year,
21 the department, using existing resources, shall submit a report to
22 the governor, lieutenant governor, and speaker of the house of
23 representatives on the use of cloud computing service options by
24 state agencies. The report must include use cases that provided
25 cost savings and other benefits, including security enhancements.
26 A state agency shall cooperate with the department in the creation
27 of the report by providing timely and accurate information and any

1 assistance required by the department.

2 SECTION 5. Section 552.139(b), Government Code, as amended
3 by this Act, applies only to a request for public information
4 received on or after the effective date of this Act. A request
5 received before the effective date of this Act is governed by the
6 law in effect when the request was received, and the former law is
7 continued in effect for that purpose.

8 SECTION 6. This Act takes effect September 1, 2017.